

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GARY LA BARBERA, THOMAS GESUALDI, :
LAWRENCE KUDLA, LOUIS BISIGNANO, :
ANTHONY PIROZZI, FRANK FINKEL, :
JOSEPH FERRARA, SR., LYNN MOUREY, :
MARC HERBST, and THOMAS PIALI, :
as Trustees and Fiduciaries of the Local 282 :
Pension Fund Trust, :

Plaintiffs, :

- against - :

JUDA CONSTRUCTION, LTD.; :
FULLERTON LAND DEVELOPMENT, LTD., :
a/k/a FULLERTON AVENUE LAND :
DEVELOPMENT, LTD.; CTJ CONSTRUCTION, :
LTD.; CHATHAM CONSTRUCTION, LTD.; :
TORRETTA TRUCKING INC.; :
FINESSE CONSTRUCTION, LLC; :
INNOVATIVE DISPOSAL SYSTEMS LLC; :
PURE EARTH, INC.; PURE EARTH :
TRANSPORTATION AND DISPOSAL :
SYSTEMS, INC., a/k/a AMERICAN :
TRANSPORTATION AND DISPOSAL :
SYSTEMS, LTD.; PURE EARTH MATERIALS, :
INC., a/k/a SOUTH JERSEY DEVELOPMENT, :
INC.; THOMAS ATTONITO; NICHOLAS :
PANICCIA; and CHRISTOPHER UZZI, :

Defendants. :

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Dkt No. 07 CV 5763 (JSR)

**ANSWER OF
PURE EARTH DEFENDANTS
TO CROSS-CLAIM
OF DEFENDANTS FINESSE
CONSTRUCTION, LLC
and INNOVATIVE
DISPOSAL SYSTEMS LLC**

Defendants Juda Construction, Ltd., Pure Earth, Inc., Pure Earth Transportation and Disposal Systems, Inc., a/k/a American Transportation and Disposal Systems, Ltd., and Pure Earth Materials, Inc., a/k/a/ South Jersey Development, Inc. (collectively, the "Pure Earth defendants"), by and through their counsel, Bahn, Herzfeld & Multer, LLP, hereby answer the

Cross-Claim asserted by Defendants Finesse Construction LLC and Innovative Disposal Systems LLC as follows:

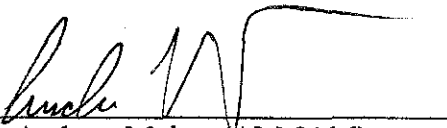
1. Deny the allegations set forth in the First Cross-Claim of defendant Finesse Construction LLC in its Answer and Cross-Claim, filed September 17, 2007, at page 45.¹

WHEREFORE, the Pure Earth defendants demand judgment be granted as follows:

- A. Dismissing the Cross-Claim of defendants Finesse Construction LLC and Innovative Disposal Systems LLC against them;
- B. Granting them attorneys' fees, costs and disbursements to the extent provided by contract, statute or otherwise; and
- C. Granting them such other, further and different relief as the Court deems just and proper.

DATED: New York, New York
September 19, 2007

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Pure Earth, Inc., Pure Earth Transportation and Disposal Systems LLC,
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By: 
Andrew Multer (AM-2116)

¹ Defendants Finesse Construction LLC and Innovative Disposal Systems LLC filed their Answers and Cross-Claims twice on September 17, 2007 (see ECF Documents 22 and 23). This appears to have been inadvertent, inasmuch as the documents (including the Cross-Claims asserted therein) appear to be identical. Accordingly, in what may be an excess of caution, the Pure Earth defendants ask that this pleading be deemed responsive to both documents.

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